

MONTANA LEGISLATIVE HISTORY

Chapter 347 19 85

Bill H _____ S 357

Original bill & history ✓ C

H. Committee on Business & Industry S. Committee on Business & Ind

Hearing Date(s) 3/19 _____ C

Hearing Date(s) 2/15 _____ C

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Date Out 3/20 _____ C

out 2/15

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

Senate BILL NO. 357

INTRODUCED BY *B. Miller - LANE Yellowtail*

A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE REQUIREMENT THAT A BUSINESS OPERATED ON THE SAME PREMISES AS AN ESTABLISHMENT LICENSED TO SELL BEER OR BEER AND WINE CLOSE OFF FROM 2 A.M. TO 8 A.M. THE PART WHERE ALCOHOLIC BEVERAGES ARE SOLD;" AMENDING SECTIONS 16-3-304 AND 16-3-305, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 16-3-304, MCA, is amended to read:

"16-3-304. Closing hours for licensed retail establishments. ~~All~~ Except as provided in 16-3-305, all licensed establishments wherein alcoholic beverages are sold, offered for sale, or given away at retail shall be closed each day between 2 a.m. and 8 a.m.; provided, however, that when any municipal incorporation has by ordinance further restricted the hours of sale of alcoholic beverages, then the sale of alcoholic beverages is prohibited within the limits of any such city or town during the time such sale is prohibited by this code and in addition thereto during the hours that it is prohibited by such ordinance. ~~Buring-such-hours--all--persons--except--the owner-and-employees-of-such-licensed-establishments-shall-be~~

~~excluded-therefrom-except-as-provided-in-16-3-305,~~"

Section 2. Section 16-3-305, MCA, is amended to read:

"16-3-305. Sale of alcoholic beverages during closed hours unlawful -- lawful business need not be closed. During the hours when the licensed establishments where alcoholic beverages are sold at retail are required by this code to be closed, it shall be unlawful to sell, offer for sale, or give away any such alcoholic beverages, ~~and-during-such hours--all--persons--save--employees--of--such--licensed establishments--shall--be--excluded--therefrom;~~ provided, however, that when ~~a-licensed-establishment-is--operated--in conjunction--with~~ an establishment licensed to sell beer or beer and wine at retail also operates on the same premises as a hotel, restaurant, bus depot, railway terminal, grocery store, pharmacy, or other lawful business other than that of the sale of intoxicating-liquor-or-beer alcoholic beverages, then such other lawful business need not be closed, ~~but-only the-part-thereof-where-such-beer-or-liquor-is-sold.~~"

-End-

SENATE BILL NO. 357

INTRODUCED BY B. WILLIAMS, LANE, YELLOWTAIL

IN THE SENATE

February 8, 1985	Introduced and referred to Committee on Business and Industry.
February 16, 1985	Committee recommend bill do pass as amended. Report adopted.
February 18, 1985	Bill printed and placed on members' desks.
February 19, 1985	Second reading, do pass.
February 20, 1985	Considered correctly engrossed.
February 21, 1985	Third reading, passed. Ayes, 49; Noes, 0.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Business and Labor.
March 20, 1985	Committee recommend bill be concurred in. Report adopted.
March 23, 1985	Second reading, concurred in.
March 25, 1985	Third reading, concurred in.
	Returned to Senate.

IN THE SENATE

March 25, 1985

Received from House.

March 26, 1985

Sent to enrolling.

Reported correctly enrolled.

MINUTES OF THE MEETING
BUSINESS & INDUSTRY COMMITTEE
MONTANA STATE SENATE

February 15, 1985

The twenty-second meeting of the Business & Industry Committee met on February 15 in Room 410 of the Capitol Building. The meeting was called to order by Chairman Mike Halligan.

ROLL CALL: All committee members were present except for Senator Neuman who was excused.

CONSIDERATION OF SENATE BILL 357: Senator Bob Williams, Senate District 15, Hobson, is the sponsor of this bill. This bill was prepared at the request of the Montana Food Distributors Association. It was necessitated because of a rule that the Department of Revenue had in place that required that the area where beer and wine is displayed in grocery markets has to be closed off during the off hours of 2 a.m. to 8 a.m. when liquor can not be sold. They felt the rule should be changed affecting grocery stores and they held hearings in December to determine how the law could be changed. The rule in effect today does not conform with the Department of Revenue's statutes and this bill must be passed in order for them to conform. It does not expand the hours they sell beer but just allows them to keep the display open without closing off the area. There were some amendments proposed for language clarification. (EXHIBIT 1)

PROPOSERS: Frank Capps, Chairman of the Montana Food Distributors explained they held the hearings to oppose closing off the alcoholic beverage sections during off hours. He encouraged the committee's support. Charles Gravely, attorney from Helena, was concerned about the way the bill was first written but with the proposed amendments he had no problems with it. Their intention is not to expand the hours that liquor can be sold but just would allow the display to be kept open in pharmacies and grocery stores. It would not hamper their merchandising. Bob Durkee, Montana Tavern Association, spoke in favor of the bill with the amendments.

OPPOSERS: There were no opponents to Senate Bill 357.

Questions were then called for. Senator Thayer wondered if there should be an immediate effective date. Charles Gravely felt this would be very beneficial. Senator Goodover wanted to know what the problem was now and was told it would just make it legal to leave the display open but not to have sales during the off hours. Mike Garrity, from the Department of Revenue, explained the law passed effective today defines what is to be closed off and the purpose of the amendment is to make it clear that they can remain open for business just not be able to sell alcoholic beverages. The hearing was closed on Senate Bill 357.

ROLL CALL

BUSINESS & INDUSTRY

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2-15-85

SENATE
SEAT

#

NAME	PRESENT	ABSENT	EXCUSED
Chairman Halligan	X		
V-chrm. Christiaens	X		
Senator Boylan	X		
Senator Fuller	X		
Senator Gage	X		
Senator Goodover	X		
Senator Kolstad	X		
Senator Neuman	-		E
Senator Thayer	X		
Senator Williams	X		
Senator Weeding	X		

Each day attach to minutes.

2-15-85

Business & Industry

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[illegible]

AMENDMENTS TO INTRODUCED SENATE BILL #357

1. Title, Page 1, line 6.
Strike: "BEER OR BEER AND WINE"
Insert: "ALCOHOLIC BEVERAGES"
2. Page 1, line 24 through line 1, page 2.
Following: "ordinance."
Insert: "During such hours all persons except the alcoholic beverage licensee and employees of such licensed establishment shall be excluded from the licensed premises."
3. Page 2, line 7.
Following: "sale,"
Strike: "or"
4. Page 2, line 8.
Following: "away"
Strike: "any such"
Insert: ", consume or allow the consumption of"
5. Page 2, line 8.
Following: "beverages"
Insert: "."
6. Page 2, line 10.
Following: "therefrom, "
Strike: "provided,"
7. Page 2, line 11.
Strike: "however, that when"
Insert: "When"
8. Page 2, lines 12 through 14.
Following: "sell":
Strike: "beer or beer and wine at retail also operates on the same premises as"
Insert: "alcoholic beverages is operated in conjunction with"

MINUTES OF THE MEETING
BUSINESS AND LABOR COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

March 19, 1985

The meeting of the Business and Labor Committee was called to order by Chairman Bob Pavlovich on March 19, 1985 at 8:00 a.m. in Room 312-2 of the State Capitol.

ROLL CALL: All members were present.

SENATE BILL 452: Hearing commenced on Senate Bill 452. Senator Dorothy Eck, District #40, sponsor of the bill, stated this is the "Employee and Community Hazardous Chemical Information Act" and requires employers who do not comply with OSHA to post a list of hazardous chemicals used in the workplace. The local firemen are the most concerned with this issue. The county clerk and recorder will index the information and all will have one place to go to review records. Senator Eck distributed to committee members Exhibit 1 which is attached hereto.

Proponent Vern Erickson, representing the Montana State Fire Fighters Association, offered his support of the bill.

Proponent Jim Murry, Executive Secretary for the Montana State AFL-CIO, supplied written testimony which is attached hereto as Exhibit 2.

Proponent Bruce Suenram, representing Missoula Rural Fire and Career Fire Chiefs, stated this will allow fire fighters to do a better job and preplan in many cases.

Proponent Marcie Quist, representing the Montana Agri Business Association and Owner, Wheatbusters offered her support as amended and stated this system is being used in most states.

Proponent Lyle Nagel, representing the Montana State Volunteer Firemen's Association, stated this will assist fire fighters. Mr. Nagel shared a case in Shelby where a company would not disclose what chemicals they had.

Proponent Elieen Robbins, representing the Montana Nurses Association, supplied written testimony which is attached hereto as Exhibit 3.

Proponent Butch Turk, representing the Peace Legislative Coalition, expressed his concern with radioactive materials.

SENATE BILL 357: Hearing commenced on Senate Bill 357. Senator Bob Williams, District #15, sponsor of the bill, stated this allows a business other than a licensed retail liquor outlet located on the same premises to remain open after 2:00 a.m. when the liquor portion is closed.

Proponent Frank Capps, Executive Director, Montana Food Distributors Association, explained that a public hearing was held on December 19, 1984 to address this problem. Mr. Capps stated it is not the departments intention to have the establishment remove the liquor.

Proponent Charles Gravely, representing the Montana Food Distributors Association, stated this is necessary legislation.

Proponent Roger Tippy, representing the Montana Beer and Wine Wholesalers Association, offered his support of the bill.

There being no further discussion by proponents and no opponents, all were excused by the chairman and the hearing on Senate Bill 357 was closed.

SENATE BILL 325: Hearing commenced on Senate Bill 325. Senator Fred Van Valkenburg, District #30, sponsor of the bill, explained this establishes a statewide 9-1-1 emergency telephone system and imposes a fee of 25 cents a month to implement the plan to provide instant contact with police, fire, ambulance and other emergency services throughout the state by dialing 9-1-1. Twenty one states have adopted this, it is a universal number and easy to remember. The money collected will go towards equipment conversions and those that have systems in place may use the money for improvements, added Senate Van Valkenburg.

Proponent Iona Baertsch, representing the Missoula 9-1-1 center, supplied written testimony which is attached hereto as Exhibit 13.

Proponent Larry Peterson, representing the Board of Crime Control, stated 9-1-1 systems have been adopted across the United States. This will not solve all the problems, but will open the door. The concept is divided into four parts: 1) number to call; 2) reception of call; 3) where request should go; 4) inter-jurisdictional agreements.

Proponents John Scully, representing the Sheriff and Peace Officers Association and Gary York, representing the Montana Emergency Medical Services Association, offered their support of the bill.

DAILY ROLL CALL
BUSINESS AND LABOR COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date March 19, 1985

NAME	PRESENT	ABSENT	EXCUSED
Bob Pavlovich	✓		
Les Kitselman	✓		
Bob Bachini	✓		
Ray Brandewie	✓		
Jan Brown	✓		
Jerry Driscoll	✓		
Robert Ellerd	✓		
William Glaser	✓		
Stella Jean Hansen	✓		
Marjorie Hart	✓		
Ramona Howe	✓		
Tom Jones	✓		
Mike Kadas	✓		
Vernon Keller	✓		
Lloyd McCormick	✓		
Jerry Nisbet	✓		
James Schultz	✓		
Bruce Simon	✓		
Fred Thomas	✓		
Norm Wallin	✓		

MINUTES OF THE MEETING
BUSINESS AND LABOR COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

March 20, 1985

The meeting of the Business and Labor Committee was called to order by Chairman Bob Pavlovich on March 20, 1985 at 7:30 a.m. in Room 312-2 of the State Capitol.

ROLL CALL: All members were present with the exception of Representative Jerry Nisbet, who was excused by the chairman.

ACTION ON SENATE BILL 446: Representative Simon moved DO PASS on Senate Bill 446 and moved the amendments. The amendments did pass by unanimous vote. Senate Bill 446 will BE CONCURRED IN by unanimous vote.

ACTION ON SENATE BILL 357: Representative Brandewie moved DO PASS on Senate Bill 357. Second was received, Senate Bill 357 will BE CONCURRED IN by unanimous vote.

ACTION ON SENATE BILL 452: Chairman Pavlovich appointed a sub-committee to work on Senate Bill 452. Representative Kadas was appointed chairman and Representatives Glaser, Hansen and Simon will serve.

ACTION ON SENATE BILL 74: Representative Pavlovich stated if the attorney general is left in the bill, he must be called to get anyone off the road. Representative Brandewie moved DO PASS on Senate Bill 74. Representative McCormick offered a substitute motion that Senate Bill 74 DO NOT PASS. Representative Kitselman explained that the governor can veto this bill and change the language. A roll call vote resulted in 10 members voting yes and 10 members voting no. Representative Driscoll moved the amendments. Representative Kadas added that the language "all offenses involving motor vehicles", opens the issue to more than what is intended to be addressed. The amendment received a 10 to 10 vote. Representative Kitselman suggested the bill be sent out WITHOUT RECOMMENDATION and explained that the possibility of loss of life exists. Representative Hart stated that there are adequate policemen and sheriff and that a few patrolmen will add nothing. Representative Glaser stated we are talking about existing law and the highway patrol already have control over everything stated in the bill. Representative Bachini suggested a fiscal note be requested and reviewed prior to further consideration. A fiscal note will be ordered and action will be delayed.